

Corridor, respectively. Phase II is in the final planning stage for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue and Phase III is a proposed East-West Rapid Transit Corridor that will run some 10–13 miles East from the Miami Intermodal Center to Florida International University and points west. Metrorail began service in 1984 and currently operates 22.4-miles of rapid transit line, however the region has experienced tremendous growth in the last 24 years, most of it occurring outside the current system boundaries, and is in need of an expanded Metrorail system. This Rail extension will allow more options for commuters and visitors as well as improve safety on the roadways and be more environmentally-friendly. This project was authorized in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users in 2005. The total cost of this project is an estimated \$1.6 billion. It is my understanding that the Florida Department of Transportation will invest \$452,700,000 and the Miami-Dade County People's Transportation Plan will invest an additional \$452,700,000 as the local match for this project.

URGING KAZAKHSTAN TO COMPLY AND HONOR ITS CONTRACTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise today to bring attention to a growing concern facing a U.S. friend and ally in oil-rich Central Asia, Kazakhstan. In light of the heightened concern over the global oil supply shortage, we want to give special recognition to the critical role that Kazakhstan plays as a major world-wide supplier, and therefore we urge in particular that the Government of Kazakhstan step up to the demands. In so doing, Kazakhstan leaders should be very cognizant of the need to comply with the rule and sanctity of its contracts and do its best to ensure proper appropriation of profits to its citizens.

Recently, Transparency International ranked Kazakhstan 150 on its Corruption Perceptions Index, with the worst country ranked 179. This puts Kazakhstan only slightly ahead of Hugo Chavez's Venezuela. The costs of corruption are exceedingly high—both for the Kazakh people, international investors and consumers—and will surely lead to the corrosion of that society.

In recent years, Kazakhstan's economy has grown tremendously because of its large oil deposits, and the political elite have been successful in virtually monopolizing the benefits of this boom. But, regrettably, Kazakhstan has become a centralistic and authoritarian state under the 27 year rule of President Nursultan Nazarbayev with little leverage for the development and activity of civil society.

Kazakhstan's governmental system lacks the basic features of democracy; elections are neither free nor fair, there are few independent media outlets and what political opposition exists is manipulated, harassed, physically attacked or even killed. There is massive corruption on a grand scale in this environment of intra-elite allocation of benefits connected to oil production. Corruption in Kazakhstan is

systemic, even within the country's anti-corruption agency, and no public office is free from executive interference. Long wait times, unwieldy bureaucracy, weak business law, short deadlines, employee discontent and the absence of explanatory information all breed corruption. Foreign firms have frequently reported harassment by the Financial Police in the form of unannounced inspections and intimidation. Forbes Asia Magazine reported that AES Corporation, an American company and one of the largest power companies in the world faced this type of harassment in June 2005. The Forbes article titled "Thug Capitalism," reported that AES was subjected to Financial Police raids and was forced to pay up to \$200 million in fines before they decided they had enough and withdrew from Kazakhstan.

Exxon Mobil, which is also in the consortium with ConocoPhillips, Eni, Total and Royal Dutch Shell experienced similar problems with the Kashagan project. The Kazakh government has repeatedly used delays and cost overruns to renegotiate its original terms with the consortium, using negotiating tactics similar to those perfected by Russia to extract concessions from foreign energy investors.

Both the international investor community and the Kazakh people have every reason to be concerned over the Kazakh government's increasingly heavy-handed intrusion into business activity, especially in the energy sector. According to a recent report by ABC News: "The U.S. Department of Justice prosecutors have long alleged in court documents filed in a case against a U.S. businessman that President Nazarbayev and his deputies accepted nearly \$80 million in kickback from foreign companies in exchange for access to Kazakhstan's vast oilfields."

And perhaps the largest concern of all is the precedent set when this, or any, government is rampant with corrupt practices. Nations and lives become unglued. Take for instance the assassination attempt on the former head of Kazakhstan's National Security Service in Vienna. According to Radio Ekho Moskv, Alnur Musayev and his companion were both wounded; and simultaneously, that the ex-ambassador of Kazakhstan in Austria who is also the former son-in-law of the Kazakh President Nursultan Nazarbayev, Rikhat Aliyev, was targeted but escaped. These events were officially confirmed by the spokesman of the Austrian Office of Public Prosecutor, Gerhard Jarosh. Exiled citizens must not become targets of their home country. They must be free to live their lives and express themselves without threat of life or limb. Such is a fundamental right and expectation of all democracies and free nations.

Furthermore, the ex-Chairman of the National Security Committee of Kazakhstan was sentenced in absentia to 20 years of imprisonment. Rakhat Aliyev was also sentenced in absentia to 40 years in prison on multiple charges. However, when the Austrian Government investigated Kazakhstan's allegations of money laundering and corruption against Rakhat Aliyev, they found no evidence to substantiate such allegations, and thus have refused to extradite Mr. Aliyev for fear that he will never receive anything resembling a fair trial.

Such activities are all too reminiscent of a pattern of violence and corruption we have long seen in Russia, and nothing can be more

destabilizing both internally and externally. Moreover, these are not the qualities that we expect of the incoming Chair of the OSCE. Kazakhstan has made several promises to implement reforms that respect political freedoms and human rights. To date these reforms have not been implemented and on issues such as religious freedoms and freedom of the press, it is arguable that Kazakhstan is becoming more restrictive and less tolerant.

The United States has sought a mutually beneficial relationship with Kazakhstan and provides aid to Kazakhstan in order to enhance economic growth, democracy, security, civil society and attend to humanitarian needs. However, it is evident that the current U.S.-Kazakhstan relationship is compromised by Kazakhstan's record of human rights violations and lack of immediate and necessary reforms before ascending to the OSCE Chairmanship. The U.S. Department of State has criticized President Nursultan Nazarbayev's government for human rights violations. A report from March 2008 faulted the government for practices including "arbitrary arrest and detention", "restrictions on freedom of speech, the press, assembly, and association", "lack of an independent judiciary", "severe limits on citizens' rights to change their government," and more, including abuse of detainees and prisoners.

As an influential OSCE member and global leader, the U.S. must now more than ever, begin to raise questions regarding Kazakhstan's human rights record and about allegations that Kazakhstan has attempted to kidnap and injure its dissidents. Kidnapping and bodily harm have no place among nation states and Kazakhstan should be made to answer for any and all violations before it assumes the Chairmanship.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation/FHWA/Federal-Aid Highways

Legal Name of Requesting Entity: The City of Trenton

Address of Requesting Entity: Trenton City Hall, 319 E. State Street, Trenton, NJ 08608

Description of Request: I have secured \$188,750 in funding for the city of Trenton to capitalize on the economic potential generated by the new \$70 million Trenton Train Station rehabilitation project. The City of Trenton has a redevelopment plan for the area requiring upgrading some critical road, pedestrian, and other infrastructure. The City of Trenton also plans to fund this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation
Buses and Bus Facilities

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured \$1,021,250 in funding for the Lakewood Township shuttle service project. This shuttle service would efficiently move people in this growing and congested area of Central New Jersey. The funding would be used to purchase additional shuttle buses, provide sheltered bus stops, establish loading and drop-off zones, provide parking for mass transit vehicles, and parking for private vehicles.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation
FTA New Starts

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured \$534,375 in funding for the MOM Line for the Design Environmental Impact Study (DEIS) stage. The MOM line would provide Central New Jersey residents with access to Northern New Jersey and New York City.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation
Bus and Bus Facilities

Legal Name of Requesting Entity: The Arc of Mercer County

Address of Requesting Entity: The Arc of Mercer County, 180 Ewingville Road, Ewing, NJ 08638

Description of Request: I have secured \$95,000 in funding for the Arc of Mercer County to provide cost effective transportation services for individuals with disabilities and senior citizens in the Mercer County area. This service is needed to supplement existing county and state services and provide efficiency through coordinated efforts. The Arc is also contributing to this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: Housing and Urban Development
Department Economic Development Initiative Program

Legal Name of Requesting Entity: The Special Children's Center

Address of Requesting Entity: The Special Children's Center, Lakewood Township Municipal Building, 231 Third Street, Lakewood, NJ 08701.

Description of Request: I have secured \$142,500 in funding for the Special Children's Center. The funding would be used to help defer the costs of constructing a new building for the Special Children's Center. The Township of Lakewood has contributed toward the project and there have been private donations.

MEDICAL DEVICE SAFETY ACT OF 2009

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise in support of the Medical Device Safety Act of 2009. This legislation was introduced today, and I'm proud to be an original cosponsor.

The Medical Device Safety Act of 2009 is needed to ensure that every American patient has the ability to hold manufacturers of defective medical devices accountable for injuries and deaths caused by unsafe products. It would also prevent these manufacturers from receiving total immunity from any claims simply by virtue of receiving a Food and Drug Administration device approval. This bill clarifies the intention of Congress to keep American patients safe by maintaining complementary systems to protect consumers through the FDA and American courts.

The need for this legislation was made evident in the Supreme Court's flawed decision in *Riegel v. Medtronic*, which completely ignored Congressional intent regarding the ability of injured patients to hold medical device manufacturers accountable for their injuries. This bill will restore Congress's original intent to allow injured patients to recover from their injuries caused by manufacturers of defective and dangerous medical devices.

It's important for Congress to promptly clarify its intent, because these types of issues continue to come up in courts around the country. Last Congress, I was proud to participate in a hearing in the Committee on Oversight and Government Reform which looked deeper into these types of issues. The medical safety experts agree that patient safety is compromised when we allow the FDA to have the final say on device safety. Strong state laws are critical to maintaining accountability for device manufacturers, and allowing the FDA to pre-empt these state laws is a surefire way to place sales over safety and profits over people.

The civil justice system and the federal regulatory system were always meant to complement each other. Both are necessary to adequately protect Americans. The FDA simply cannot do it alone, and we see examples of this all the time, from pacemakers to peanuts. The agency is understaffed and underfunded, and I support additional funding to help this critical agency. However, making the FDA the "court of last resort" on issues of life and death is a violation of the Bill of Rights and ignores over 200 years of Common Law precedents. This is just one more reason why Congress must pass the Medical Device Safety Act of 2009 to restore the balance between the civil justice system and the federal regulatory system that Congress intended when it passed the Medical Device Amendments of 1976.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. WATSON. Madam Speaker, I was unavoidably absent from the Chamber during the evening of Monday, February 23, 2009. As a result, I was unable to cast my vote on rollcall No. 73, which occurred on the motion to suspend the rules and pass H.R. 44, the Guam World War II Loyalty Recognition Act. Had I been present I would have voted "yea," and also ask that the record reflect my strong support for the enactment of H.R. 44 and the fact that I am an original cosponsor of this bill which was reintroduced by our colleague from Guam, Ms. BORDALLO, on January 6, 2009.

HONORING ELIZABETH LITTLEFIELDS' SELFLESS ACT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. GIFFORDS. Madam Speaker, I am honored today to pay tribute to Elizabeth Littlefield, a hairdresser from Marana, Arizona. Ms. Littlefield has set an inspiring example for all Americans with one selfless act—the donation of one of her kidneys. It was not to a loved one or longtime friend that Littlefield made this generous donation, but to a customer whom she had known only a short time.

Ms. Littlefield's donated kidney went to Dale Charnick. Not long after Ms. Charnick became a customer of Ms. Littlefield's salon in 2006, both of her kidneys began shutting down. Upon learning of her customer's plight, Littlefield made the surprise offer that saved Ms. Charnick's life. "I have two good kidneys," Ms. Littlefield said. "You can have one of mine."

Now, as a result of Ms. Littlefield's donation, Ms. Charnick is on the road to a strong recovery. Ms. Littlefield's selfless act reminds us in a dramatic way what it means to help a person in need.

I also want to commend the extraordinary medical skills of the well-trained health care professionals at Tucson's University Medical Center for their role in giving Ms. Charnick's a new lease on life.

My constituents in Southern Arizona are indeed fortunate to have a new team of nationally recognized transplant experts in our community. This team includes: abdominal transplant chief Dr. Rainer Gruessner; nephrology chief Dr. Bruce Kaplan, who is also a deputy editor of the *American Journal of Transplantation*; vice chief of abdominal transplantation Dr. John Renz; Dr. Thomas Boyer, who is director of the Arizona Liver Institute; and Dr. Khalid Khan, director of the UA's Pediatric Liver and Intestinal Transplantation Program.